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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number 10/708,448 : Confirmation No.: 2447
Applicant: Michael Tobin, et al. : Group Art Unit: 2832
Filed: March 4, 2004 : Examiner: NYA
Docket No.: 41PR-133546 (GEN-0350) :

For: METHOD AND APPARATUS FOR MAGNETICALLY TRIPPING CIRCUIT BREAKERS

November 18, 2004

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for reconsideration of a Petition under 37 CFR 1.47(a). The original petition was filed on August 2, 2004. On September 24, 2004, the Petitions Attorney mailed a dismissal of the petition. This request for reconsideration addresses the deficiencies in the original petition. Those deficiencies include the following: (1) demonstration that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor; and (2) identification of a proper citizenship for inventor Hemant Mody.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to _____ or Express Mail No. _____ to the United States Patent and Trademark Office on the date shown below.

Mary Farver
Name

Mary Farver
Signature

November 18, 2004
Date

Regarding item (1), Applicant provides herewith:

1. A Supplemental Declaration of attorney David Arnold.
2. Attachment A: A copy of a cover letter from David Arnold to Hemant Mody dated June 17, 2004, which was sent by Federal Express and which was accompanied by a complete copy of the application papers (specification, including claims and drawings, combined declaration and power of attorney, and assignment), and a pre-paid Federal Express return envelope.
3. Attachment B: A copy of a memo authored and signed by Mary Forcier, assistant to David Arnold, dated June 18, 2004, summarizing a conversation that she personally had with Hemant Mody regarding the Federal Express package containing the Assignment, Combined Declaration and Power of Attorney, and a copy of the application.
4. Attachment C: A copy of a Federal Express return receipt email dated June 23, 2004, indicating that the Federal Express package (tracking number 792666297362) was delivered on June 23, 2004, to Hemant Mody and signed for by N. Mody.
5. Attachment D: A copy of an email dated July 22, 2004, from Scott Lucas, Hemant Mody's attorney, to David Arnold, with copy to Hemant Mody, explicitly indicating Hemant Mody's refusal to sign any paperwork.

Regarding item (2), Applicant provides herewith a re-executed Combined Declaration and Power of Attorney with the misspelling of Hemant Mody's citizenship corrected to "India".

In view of the foregoing, Applicant respectfully requests reconsideration of the Petition under 37 CFR 1.47(a). Because this is a Request for Reconsideration, the petition fee was already paid with the original petition on August 2, 2004. In the event the Commissioner of Patents deems that any additional fee is required in connection with this application, Applicant's attorneys authorize that such fee be charged to Deposit Account No. 06-1130. Please direct any inquiries to the undersigned.

Respectfully submitted,
CANTOR COLBURN LLP
Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

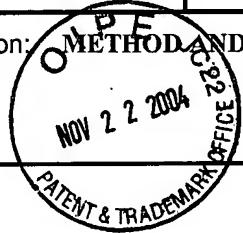
Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): Michael Tobin, et al.

Docket No.

41PR-133546 (GEN-0350)

Application No.
10/708,448Filing Date
March 4, 2004Examiner
NYACustomer No.
23413Group Art Unit
2832Invention: **METHOD AND APPARATUS FOR MAGNETICALLY TRIPPING CIRCUIT BREAKERS**

I hereby certify that this **Request for Reconsideration of Petition Under 37 CFR 1.47(a) (17 pgs)**
(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on
November 18, 2004

(Date)

Mary Forcier*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in black ink that appears to read "Mary Forcier".

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

Supplemental Declaration of David Arnold, Esq.

Attachment A - Letter to Hemant Mody, signed by David Arnold

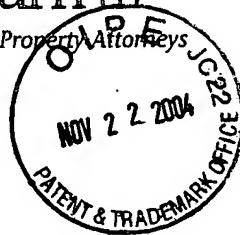
Attachment B - Memo to file, signed by Mary Forcier

Attachment C - Validation response from Federal Express indicating that a package to Hemant Mody had been received and signed for by N. Mody.

Attachment D - Email message from Scott Lucas indicating that Hemant Mody will not be signing any documents.

Copies of the Combined Declaration and Power of Attorney documents signed by each inventor except Hemant Mody.

Return Postcard



ATTACHMENT - A

June 17, 2004

VIA FEDERAL EXPRESS

Mr. Hemant Mody
48 Avonwood Road, Apt. #20
Avon, CT 06001

RE: GE Docket No. 41PR-133546 (GEN-0350)

Dear Hemant:

I hope this letter finds you well as it has been some time since we last corresponded. I would be interested to hear what new adventures you are involved in. If you get a chance, please drop me a quick email at darnold@cantorcolburn.com. I look forward to hearing from you.

Regarding the subject matter at hand, we are in the process of filing the subject patent application in the United States Patent and Trademark Office. In this package, I have included the formal documents to be filed with this application and a pre-paid Federal Express envelope. Please sign and date these documents where indicated, having the Assignment document notarized, and return them to me in the Federal Express envelope included.

Thank you for your assistance in this matter. Please do not hesitate to contact me if further information is needed.

Sincerely,

David Arnold, Esq.
Enclosures
DA/mf

DETROIT

201 W. Big Beaver Rd., Suite 370
Troy, Michigan 48084
phone: 248-524-2300
fax: 248-524-2700
Christopher C. Boehm
Fred Carl III
Cathy B. Roumell
Mary E. Golota
John F. Buckert

ATTACHMENT - B

MEMO TO FILE

To: File Gen-0350

From: Mary Forcier

RE: Contact with Hemant Mody

I spoke with Hemant Mody on June 18, 2004 at 1:12pm regarding the formal filing papers for the above mentioned case. He confirmed that he lived at 48 Avonwood Road, Apt. # 103, Avon, CT 06001. Hemant said that he would accept the Federal Express package with the Assignment and Combined Declaration and Power of Attorney for his signature along with a copy of the application. Mr. Mody said that he would then have his attorney look at the paperwork before signing and returning it to us.

Mary Forcier

June 18, 2004

A handwritten signature in black ink that reads "Mary Forcier". The signature is written in a cursive style with a fluid, continuous line.

ATTACHMENT - C

Forcier, Mary

From: FedEx [donotreply@fedex.com]
Sent: Wednesday, June 23, 2004 12:06 PM
To: MForcier@CantorColburn.com
Subject: FedEx shipment 792666297362

Our records indicate that the shipment sent from MaryForcier/CANTOR COLBURN LLP to Hemant Mody has been delivered.

The package was delivered on 06/23/2004 at 12:01 PM and signed for or released by N.MODY.

The ship date of the shipment was 06/18/2004.

The tracking number of this shipment was 792666297362.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=792666297362&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

ATTACHMENT - D

Forcier, Mary

From: Scott Lucas [slucas@mlc-law.com]

Sent: Thursday, July 22, 2004 6:27 AM

To: Arnold, David

Cc: Hemant K. Mody

Subject: RE: Dr. Hemant Mody Matter: EPIA / 133546 (GEN-

David – thanks. I understand from Hemant that at this time he will not be signing anything. I will review the agreement and let you know immediately if that position changes.

Scott